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6 Attorneys for Complainant

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8 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
9 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation)
11 Against:)

No. D-4609

12 SPENCER A. WARD, M.D.)
11204 Angus Place)
13 Potomac, MD 20854)
Physician's and Surgeon's)
14 Certificate No. G 14184)

STIPULATION, DECISION
AND ORDER

15 Respondent.)
16

17 IT IS HEREBY STIPULATED by the parties to the above
18 entitled matter that the following is true:

19 1. On November 13, 1967, Respondent Spencer A. Ward,
20 M.D. (hereinafter "respondent") was issued physician's and
21 surgeon's certificate number G 14184 under the laws of the State
22 of California. At all times mentioned herein said certificate
23 was in full force and effect. Said certificate will expire on
24 March 31, 1992, unless renewed.

25 2. On October 9, 1991, an accusation bearing number
26 D-4609 was filed by Kenneth J. Wagstaff, Executive Director of
27 the Medical Board of California in his official capacity as such.

1 On or about October 26, 1991, the Medical Board served a copy of
2 Accusation No. D-4609, Statement to Respondent, Request for
3 Discovery, Government Code sections 11507.5, 11507.6, and
4 11507.7, and a blank Notice of Defense form on respondent by
5 certified mail. Respondent filed a Notice of Defense and
6 requested a hearing on the charges contained in the accusation.

7 3. Respondent has retained as his counsel John D.
8 Grad, Esq. Respondent has fully discussed with his counsel the
9 charges and allegations and violations of the California Business
10 and Professions Code alleged in the accusation, and has been
11 fully advised of his rights under the Administrative Procedure
12 Act of the State of California. Said rights include a right to a
13 formal hearing and opportunity to defend against the charges
14 contained therein, and reconsideration and appeal of any adverse
15 decision that might be rendered following said hearing.
16 Respondent knowingly and intelligently waives his rights to a
17 hearing, reconsideration, appeal, and to any and all other rights
18 which may be accorded to him pursuant to the Administrative
19 Procedure Act regarding the charges contained in Accusation
20 No. D-4609.

21 4. Respondent hereby freely and voluntarily waives
22 his rights to a hearing, reconsideration, appeal and any and all
23 other rights which may be accorded by the California Adminis-
24 trative Procedure Act and the laws of the State of California
25 with regard to Accusation No. D-4609.

26 5. Respondent admits for the purpose of this
27 proceeding, any other proceeding before the Board, or any other

1 action taken by and before any governmental body responsible for
2 licensing physicians that he is subject to disciplinary action
3 for violation of Business and Professions Code section 2234 on
4 the grounds of unprofessional conduct as defined in section 2305
5 of the code in that on March 5, 1990, the Virginia Board of
6 Medical Examiners suspended respondent's license to practice
7 medicine in that state for two (2) years, then stayed the
8 suspension and put respondent on probation with terms and
9 conditions.

10 6. In the event this Stipulation, Decision and Order
11 is not accepted and adopted by the Medical Board of California,
12 the Stipulation and characterizations of law made by all parties
13 herein shall be null, void and inadmissible at any proceeding
14 involving the parties to it.

15 WHEREFORE, it is stipulated that the Medical Board of
16 California may issue the following Decision and Order:

17 California Physician's and Surgeon's Certificate
18 number G 14184, issued to respondent Spencer A. Ward, M.D., is
19 revoked. However, the revocation is hereby stayed and respondent
20 is placed on probation for five (5) years under the following
21 terms and conditions:

22 1. Respondent shall remain in psychotherapy until
23 released by the Virginia Board of Medical Examiners. Respondent
24 shall request and authorize the Virginia Board to notify the
25 California Medical Board when he has been released from
26 treatment.

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1 2. Respondent shall give at least ninety (90) days
2 written notice, prior to his arrival, of his intent or desire to
3 return to California to reside and/or practice medicine.

4 3. Prior to resuming the practice of medicine in
5 California, respondent shall undergo a psychiatric evaluation
6 (and psychological testing, if deemed necessary) by a Division-
7 appointed psychiatrist who shall furnish a psychiatric report to
8 the Division or its designee.

9 If respondent is required by the Division or its
10 designee to undergo psychiatric treatment, respondent shall
11 within thirty (30) days of the requirement notice submit to the
12 Division for its prior approval the name and qualifications of a
13 psychiatrist of respondent's choice. Upon approval of the
14 treating psychiatrist, respondent shall undergo and continue
15 psychiatric treatment until further notice from the Division.
16 Respondent shall have the treating psychiatrist submit quarterly
17 status reports to the Division.

18 4. Prior to resuming the practice of medicine in
19 California and after undergoing a psychiatric evaluation,
20 respondent shall meet with and/or be evaluated by the Diversion
21 Evaluation Committee. Respondent shall not resume the practice
22 of medicine until notified by the Committee.

23 5. Respondent shall obey all federal, state and local
24 laws, and all rules governing the practice of medicine in
25 California.

26 6. Respondent shall submit quarterly declarations
27 under penalty of perjury on forms provided by the Division,

1 stating whether there has been compliance with all of the
2 conditions of probation.

3 7. Respondent shall comply with the Division's
4 probation surveillance program.

5 8. Respondent shall appear in person for interviews
6 with the Division's medical consultant upon request at various
7 intervals and with reasonable notice.

8 9. Respondent shall be prohibited from supervising
9 physician's assistants.

10 10. The period of probation shall not run during the
11 time respondent is residing or practicing outside the juris-
12 diction of California.

13 11. Upon successful completion of probation,
14 respondent's certificate will be fully restored.

15 12. If respondent violates probation in any respect,
16 the Division, after giving respondent notice and the opportunity
17 to be heard, may revoke probation and carry out the disciplinary
18 order of revocation. If an accusation or petition to revoke
19 probation is filed against respondent during probation, the

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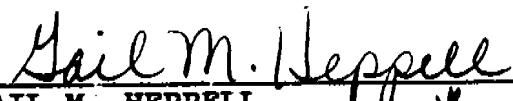
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1 Division shall have continuing jurisdiction until the matter is
2 final, and the period of probation shall be extended until the
3 matter is final.

4 DATED: November 2, 1992.

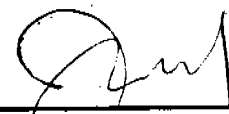
5 DANIEL E. LUNGREN, Attorney General
6 of the State of California
7 JANA L. TUTON, Supervising
8 Deputy Attorney General

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10 GAIL M. HEPPELL
11 Deputy Attorney General B

12 Attorneys for Complainant

13 DATED: 11/21/92

14 LAW OFFICES OF GRAD, LOGAN &
15 KLEWANS, P.C.

16 
17 JOHN D. GRAD
18 Attorney for Respondent

19 I hereby state that I have read this Stipulation,
20 Decision, and Order. I understand that I have the right to a
21 hearing on the charges contained in the Accusation, the right to
22 cross-examine witnesses, and the right to introduce evidence in
23 mitigation. I knowingly and intelligently waive all of these
24 rights and all other rights which I may have under the California
25 Administrative Procedure Act and the laws and regulations of the
26 State of California in regard to this matter.

27 I understand that by signing the Stipulation, I am
28 permitting the Medical Board of California to impose discipline
29 against my license. I fully understand all of, and agree to,

1 said Stipulation, Decision and Order, and agree to be bound by
2 its terms.

3 DATED: 11/18/92

Spencer A. Ward, M.D.
4 SPENCER A. WARD, M.D.
5 Respondent

6 DECISION AND ORDER

7 The foregoing is adopted as the decision of the Medical
8 Board of California in this matter and shall become effective on
9 the 16th day of February, 1993

10 IT IS SO ORDERED this 15th day of February, 1993.

11 MEDICAL BOARD OF CALIFORNIA
12 DEPARTMENT OF CONSUMER AFFAIRS

13
14 By Theresa L. Claassen

15 THERESA CLAASSEN, Secretary-Treasurer
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DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	No. D-4609
Against:)	
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SPENCER A. WARD, M.D.)	ACCUSATION
11204 Angus Place)	
Potomac, MD 20854)	
California Physician's)	
and Surgeon's Certificate)	
No. G 14184)	
)	
Respondent.)	

18 Kenneth J. Wagstaff, for causes of discipline,
19 alleges:

20 1. Complainant Kenneth J. Wagstaff makes and
21 files this accusation in his official capacity as Executive
22 Director of the Medical Board of California (hereinafter referred
23 to as the "Board").

24 2. On November 13, 1967, the Board issued
25 physician's and surgeon's certificate number G 14184 to
26 respondent Spencer A. Ward, M.D. At all times mentioned herein

27 ///

1 said certificate was in full force and effect. Said certificate
2 will expire on March 31, 1992, unless renewed.

3 3. Under Business and Professions Code section
4 2234, the Division of Medical Quality shall take action against
5 any licensee who is charged with unprofessional conduct.

6 Under Business and Professions Code section 2305,
7 the revocation, suspension, or other discipline by another state
8 of a license or certificate to practice medicine issued by the
9 state shall constitute unprofessional conduct against such
10 licensee in this state.

11 4. Respondent has subjected his physician's and
12 surgeon's certificate to discipline under Business and
13 Professions Code section 2305 in that on March 5, 1990, the
14 Virginia Board of Medicine suspended respondent's license to
15 practice as a physician in the state of Virginia. The suspension
16 was stayed and respondent's license was placed on probation for
17 not less than two (2) years with terms and conditions. The
18 Virginia Board found that between December, 1982 and February,
19 1984, during the course of individual psychotherapy with a
20 patient for depressive neurosis, respondent failed to recognize
21 and respond in an appropriate therapeutic manner to an erotic or
22 dependent transference/countertransference relationship.
23 Respondent invited the patient to spend the night at his
24 residence and engaged in inappropriate sexual conduct with the
25 patient.

26 WHEREFORE, complainant prays that a hearing be
27 held and that the Medical Board of California issue a decision:

1. Revoking or suspending physician's and surgeon's certificate number G 14184, issued to Spencer A. Ward, M.D.;

2. Prohibiting Spencer A. Ward, M.D. from supervising physician's assistants;

3. Taking such other and further action as may be deemed proper and appropriate.

DATED: October 9, 1991

KENNETH J. WAGSTAFF
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant